

Assembly Bill No. 1045

Passed the Assembly May 14, 2009

Chief Clerk of the Assembly

Passed the Senate August 27, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 121023 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1045, John A. Perez. HIV and AIDS reporting.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, programs related to HIV and AIDS testing and for the reporting of information relating to HIV or AIDS infection.

Existing law requires each clinical laboratory, as defined, to report all CD4+ T-Cell test results to the local health officer within 7 days.

This bill would, notwithstanding that requirement, allow a clinical laboratory to refrain from reporting a CD4±_T-Cell test result if the clinical laboratory can demonstrate that the CD4±_T-Cell test result is not related to a diagnosed case of HIV infection.

The people of the State of California do enact as follows:

SECTION 1. Section 121023 of the Health and Safety Code is amended to read:

121023. (a) Subject to subdivision (b), each clinical laboratory, as defined in Section 1206 of the Business and Professions Code, shall report all CD4+ T-Cell test results to the local health officer for the local health jurisdiction where the health care provider facility is located within seven days of the completion of the CD4+ T-Cell test.

(b) A clinical laboratory shall not be required to report a CD4+ T-Cell test result, as required by this section, if the clinical laboratory can demonstrate that the CD4+ T-Cell test result is not related to a diagnosed case of HIV infection.

(c) The clinical laboratory report with CD4+ T-Cell test results shall also include, if provided by the ordering health care provider, all of the following:

- (1) The patient's name.
- (2) The patient's date of birth.
- (3) The patient's gender.
- (4) The name, telephone number, and address of the local health care provider that ordered the test.
- (d) The clinical laboratory report with CD4+ T-Cell test results shall also include all of the following information:
 - (1) CD4+ T-Cell test results expressed as an absolute count (the number of lymphocytes containing the CD4 epitope per cubic millimeter) and, if available, the relative count (the number of lymphocytes expressing the CD4 epitope as a percentage of total lymphocytes).
 - (2) The type of laboratory test performed.
 - (3) The date the laboratory test was performed.
 - (4) The name, telephone number, and address of the clinical laboratory that performed the test.
 - (5) The laboratory CLIA number.
 - (6) The laboratory report number.
- (e)
 - (1) Each local health officer shall inspect each clinical laboratory CD4+ T-Cell test report to determine if the test is related to a case of HIV infection.
 - (2) If the clinical laboratory CD4+ T-Cell test result is related to a case of HIV infection, the local health officer shall report the case of HIV infection or AIDS, as appropriate, to the State Department of Public Health within 45 days of receipt of the laboratory report.
 - (3) If the clinical laboratory CD4+ T-Cell test result is not related to a case of HIV infection, the local health officer shall destroy the laboratory CD4+ T-Cell test report.
- (f) Pursuant to Section 121025, CD4+ T-Cell test reports shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding.
- (g) CD4+ T-Cell test reports shall be considered confidential public health records as defined in Section 121035.
- (h) For the purposes of this section, "CD4+ T-Cell test" means any test used to measure the number of lymphocytes containing the CD4 epitope.

Approved _____, 2009

Governor